

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF SOUTH CAROLINA**
3 **ORANGEBURG DIVISION**

4 **ASHOK PATEL and PRAGNABEN**

5 **PATEL,**

6 Plaintiffs,

7 **v.**

Case No.: 5:23-cv-00514-CMC

8 **JAGDISHKUMAR K. PATEL,**

9 **BHAGVATIBEN JAGDISH PATEL,**

10 **SANJAY PRAJAPATI, and VASU**

11 **PATEL,**

12 Defendants.

JURY TRIAL DEMANDED

13 **COMPLAINT**

14 **COME NOW** ASHOK PATEL AND PRAGNABEN PATEL, individuals residing in
15 the State of Georgia, and complain of the Defendants as follows:

16 **INTRODUCTION**

17 1. On or about October 1, 2022, Defendants assaulted and battered Mr. and Mrs.
18 Patel as they were making their way outside of the Hindu Temple and Center, located in
19 Orangeburg, South Carolina. Defendants' intentional acts caused the Plaintiffs to incur extensive
20 medical bills.

21 **PARTIES**

22 2. Plaintiffs Ashok Patel and Pragnaben Patel are, and at all times mentioned herein
23 were, residents of the State of Georgia and may be served through their undersigned attorney for
24 this matter.

25 3. Upon information and belief, Defendant Jagdishkumar Patel is a resident of
26 Summerville, South Carolina. He may be served with process at **455 Spectrum Road,**
27 **Summerville, South Carolina, 29486.**

28 4. Upon information and belief, Defendant Bhagvatiben Jagdish Patel is a resident

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1 of Summerville, South Carolina. He may be served with process at **455 Spectrum Road,**
2 **Summerville, South Carolina, 29486.**

3 5. Upon information and belief, Defendant Sanjay Prajapati is a resident of
4 Summerville, South Carolina, and resides at 455 Spectrum Road, Summerville, South Carolina,
5 29846. He may be served with process at his place of employment, **CITGO Food Mart 10035**
6 **US-17 McClellanville, South Carolina, 29458.**

7 6. Upon information and belief, Defendant Vasu Patel is a resident of Summerville,
8 South Carolina, and resides at 455 Spectrum Road, Summerville, South Carolina, 29846. He
9 may be served with process at his place of employment, **SAI Wholesalers, 119 Fabricators**
10 **Street, Suite B, Summerville, South Carolina, 29483.**

11 JURISDICTION AND VENUE

12 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 as there
13 is complete diversity of citizenship between Plaintiffs and Defendants, and as the amount in
14 controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00.

15 8. This Court has personal jurisdiction over Defendants as they all, upon information
16 and belief, are residents of South Carolina, and further as they have committed tortious injury
17 within the State of South Carolina (See S.C. Code Ann. § 36-2-803(A)(4)).

18 9. Venue is appropriate in the Orangeburg Division of the United States District
19 Court for the District of South Carolina pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part
20 of the events or omissions giving rise to Plaintiffs' claims occurred in said division.

21 FACTUAL ALLEGATIONS

22 10. On or about October 1st, 2022, at approximately 11:00 p.m., the Defendants,
23 acting as a group, assaulted and battered the Plaintiffs.

24 11. Said assaults and batteries occurred outside the Cultural Hindu Temple and
25 Center, located at 1175 Five Chop Road, Orangeburg, South Carolina, 29115.

26 12. Law enforcement as well as emergency medical services responded to that
27 location because of the incident and the injuries the plaintiffs sustained resulting from
28 Defendants' actions.

18. In the course of the multiple assaults and batteries Defendant committed to Plaintiffs, Ashok Patel's glasses were knocked off his face and Ashok Patel sustained injuries to his chest, ribs, and stomach.

(Against Second Defendant)

22. The civil assault was committed with willful and malicious intent, and with a

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conscious indifference to the consequence of said actions. As a result, Plaintiff Pragnaben Patel is entitled to recover punitive damages from Defendant Bhagvatiben Patel in an amount to be determined by the enlightened conscience of a jury in order to punish and deter her from similar conduct in the future.

COUNT TWO: BATTERY

(Against Second Defendant)

23. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full herein.

24. On or about October 1, 2022, Defendant Bhagvatiben Patel did inflict an unlawful and unauthorized act of violence upon Plaintiff Pragnaben Patel; to wit: Defendant Bhagvatiben Patel grabbed and pulled Pragnaben Patel's hair whilst attempting to strike Pragnaben Patel with her hand.

25. Defendant Bhagvatiben Patel was acting intentionally in so doing and did inflict an unlawful and unauthorized act of violence upon the body of Plaintiff, Pragnaben Patel.

26. Plaintiff Pragnaben Patel is entitled to recover of Defendant Bhagvatiben Patel all damages available under law caused by this civil assault, including general damages.

27. The assault was committed with willful and malicious intent and with a conscious indifference to the consequence of said actions. As a result, Plaintiff Pragnaben Patel is entitled to recover punitive damages from Defendant Bhagvatiben Patel in an amount to be determined by the enlightened conscience of a jury in order to punish and deter her from similar conduct in the future.

COUNT THREE: ASSAULT

(Against First Defendant)

28. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full herein.

29. Defendant Jagdishkumar Patel stated, "I am going to kill you," to Ashok Patel seconds prior to approaching and striking Ashok Patel with his fists; said words and threatening intentional actions of Defendant Jagdishkumar Patel did placed Plaintiff Ashok Patel in

1 reasonable fear of receiving imminent bodily harm.

2 30. Plaintiff Ashok Patel is entitled to recover of Defendant Jagdishkumar Patel all
3 damages available under law caused by this civil assault, including general damages.

4 31. The assault was committed with willful and malicious intent and with a conscious
5 indifference to the consequence of said actions. As a result, Plaintiff suffered damages, including
6 medical bills that total nearly \$30,000 at the present time.

7 32. Plaintiff Ashok Patel is entitled to recover punitive damages from Defendant
8 Jagdishkumar Patel in an amount to be determined by the enlightened conscience of a jury in
9 order to punish and deter her from similar conduct in the future.

10 **COUNT FOUR: BATTERY**

11 **(Against First Defendant)**

12 33. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as
13 if set forth in full herein

14 34. On or about October 1, 2022, Jagdishkumar Patel did intentionally inflict violence
15 upon Plaintiff Ashok Patel; to wit: Defendant Jagdishkumar Patel did use his fists to strike the
16 body of Plaintiff Ashok Patel, said act having been committed unlawfully and without authority
17 to do so.

18 35. Plaintiff Ashok Patel is entitled to recover of Defendant Jagdishkumar Patel all
19 damages available under law caused by this civil battery, including general damages.

20 36. The assault was committed with willful and malicious intent and with a conscious
21 indifference to the consequence of said actions. As a result, Plaintiff suffered damages, including
22 medical bills that total nearly \$30,000 at the present time.

23 37. Plaintiff Ashok Patel is entitled to recover punitive damages from Defendant
24 Jagdishkumar Patel in an amount to be determined by the enlightened conscience of a jury in
25 order to punish and deter her from similar conduct in the future.

26
27
28 **COUNT FIVE: BATTERY**

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(Against Third Defendant)

38. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full therein.

39. On or about October 1, 2022, Sanjay Prajapati did intentionally inflict violence upon Plaintiff Ashok Patel; to wit: Defendant Sanjay Prajapati did use his fists to strike the body of Plaintiff Ashok Patel, said act having been committed unlawfully and without authority to do so.

40. Plaintiff Ashok Patel is entitled to recover of Defendant Sanjay Prajapati all damages available under law caused by this civil assault, including general damages.

41. The assault was committed with willful and malicious intent and with a conscious indifference to the consequence of said actions. As a result, Plaintiff suffered damages, including medical bills that total nearly \$30,000 at the present time.

42. Plaintiff Ashok Patel is entitled to recover punitive damages from Defendant Sanjay Prajapati in an amount to be determined by the enlightened conscience of a jury in order to punish and deter her from similar conduct in the future.

COUNT SIX: BATTERY

(Against Fourth Defendant)

43. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full therein.

44. On or about October 1, 2022, Defendant Vasu Patel did intentionally inflict violence upon Plaintiff Ashok Patel; to wit: Defendant Sanjay Prajapati did use his fists strike the body of Plaintiff Ashok Patel, said act having been committed unlawfully and without authority to do so.

45. Plaintiff Ashok Patel is entitled to recover of Defendant Vasu Patel all damages available under law caused by this civil battery, including general damages.

46. The battery was committed with willful and malicious intent and with a conscious indifference to the consequence of said actions. As a result, Plaintiff suffered damages, including medical bills that total nearly \$30,000 at the present time.

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47. Plaintiff Ashok Patel is entitled to recover punitive damages from Defendant Vasu Patel in an amount to be determined by the enlightened conscience of a jury in order to punish and deter her from similar conduct in the future

COUNT SEVEN: CIVIL CONSPIRACY TO COMMIT ASSAULT AND BATTERY
(Against All Defendants)

48. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full therein.

49. Upon information and belief, Defendants Jagdishkumar Patel, Bhagvatiben Patel, Sanjay Prajapati, and Vasu Patel did combine to act in concert, support, and in furtherance of the unlawful acts perpetrated against Plaintiffs with the common objective to cause harm to Plaintiffs.

50. These Defendants were acting to intentionally harm the Plaintiffs and in so doing, said conspiracy inflicted intentional, unlawful, and unauthorized acts of violence against Plaintiffs.

51. Plaintiffs are entitled to recover of these Defendants all damages available under law caused by any one or all these Defendants, including general damages.

52. These assaults and batteries were committed with willful and malicious intent and with a conscious indifference to the consequence of said actions. As a result, Plaintiffs are entitled to recover punitive damages from these Defendants in an amount to be determined by the enlightened conscience of a jury in order to punish and deter these Defendants from similar conduct in the future.

COUNT EIGHT: PUNITIVE DAMAGES

53. Plaintiffs hereby incorporate the allegations set forth in the paragraphs above, as if set forth in full therein.

54. Defendants recklessly and/or willfully caused harm to Plaintiffs in violation of the law.

55. Plaintiffs are entitled to an award of punitive damages in an amount not to exceed the greater of three times the amount of compensatory damages awarded to each Plaintiff, or the

sum of five hundred thousand dollars.

JURY DEMAND

Plaintiffs, pursuant to Fed. R. Civ. P. 38, hereby demand trial by a jury of six on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court to grant them the following relief against Defendants:

a. **On Count One** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000;

b. **On Count Two** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000

c. **On Count Three** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000

d. **On Count Four** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000

e. **On Count Five** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000

f. **On Count Six** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$108,000

g. **On Count Seven** of their complaint, for damages in a sum according to proof at trial, in excess of \$20,000, exclusive of interest and costs, and for punitive damages in a sum \$112,000

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1 h. **On Count Eight** of their complaint, for punitive damages in an amount not to
2 exceed the greater of three times the amount of compensatory damages awarded to each Plaintiff,
3 or the sum of five hundred thousand dollars;

4 i. For costs incurred herein;

5 j. For a trial by a jury of six; and

6 k. For such other and further relief as the Court deems just and proper.

7
8 Respectfully submitted,

9 Dated: February 6, 2023

HUGGINS PEIL, LLC

/s/ Jeffrey F. Peil

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